SALE OF SEPARATE ARRACK SHOPS FOR 1903-04.

Notification No. 442—Ex. F. 7-1902, dated 18th March 1903.

1. Notice is hereby given that the right of selling Arrack in each of the separate shops in the tracts specified in the appended schedule for the twelve months beginning with 1st July 1903, and ending with 30th June 1904, will be put up to public auction at upset prices, by the respective Deputy Commissioners or by Revenue Sub-Division Officers or by Divisional Officers of the Excise Department or Assistant Commissioners specially authorized by the Deputy Commissioners for the purpose, on the dates and at the places mentioned in the said schedule. If the sales are not completed on abovenamed days, they will be continued on the next following days.

2. *(a)* Each bidder at the auction will deposit a sum of Rs. 60 or such other reasonable amount as may be fixed by the officer conducting the sale, previous to bidding. The shops will be knocked down to the approved highest bidder, subject to formal confirmation by the Deputy Commissioner, who will be at liberty to accept or reject the bid at discretion without assigning reasons for the same. Such formal confirmation will, *unless revised by Government for special reasons,* be tantamount to an acceptance of the bid. Parties intending to bid must attend either in person or by duly accredited agents. Should there be no bid above the upset price, the officer conducting the sale may lower the upset price at discretion. The condition and character of intending bidders may be enquired into; and the officer conducting the sale may, at the time of sale, refuse to receive the necessary deposit which gives the right to bid, from persons regarding whom the result of such enquiries is not satisfactory. No former licensee who has been guilty of an infringement of the terms of his lease or of the Excise Laws or Rules, shall be entitled to bid. The officer conducting the sale shall not be bound to accept the highest bid, should he consider it to be so extravagantly high as to afford apprehension of the lease breaking down.

(b) No shop shall be knocked down in the name of more than one person or of more than one company or firm duly represented. The selling officer shall refuse to register as a purchaser any one in whose name the bidding has not proceeded.

3. As soon as the auction is completed, the deposits made by the unsuccessful bidders, if not forfeited as hereinafter provided, will be returned to them at the close of the sale. As the auction proceeds, the person whose bid is accepted for each shop shall at once deposit a sum equal to $\frac{5}{8}$ths of a month's rent for that shop; and within seven days from the date of confirmation of sale by the Deputy Commissioner, he must deposit such further sum as, with the former deposits, will make up an aggregate sum equal to two months' rent. If he shall be found to be a foreigner having no property in the Mysore State, or to be of doubtful solvency, he may be required to deposit twice the prescribed sum or to get a surety or sureties to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract. If he fail to make any of these deposits or to get the requisite surety or sureties, the deposits already made will be forfeited, the shop will be immediately re-sold or otherwise disposed of under orders of the Deputy Commissioner, and he will be debarred from, bidding again for the same or for any other shop.

4. Re-sales effected under para 3 will be at the risk of the defaulting bidder, who shall forfeit all gain; and in the event of a loss by re-sale, he shall make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale. In the latter case, the forfeited deposit shall be deducted from the loss arising from the re-sale, and the remainder, if any, shall be recovered from the bidder in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposit be greater than the loss by re-sale, the whole of such deposit shall be credited to Government.

5. Persons to whom shops have been knocked down shall, within ten days of the expiry of the period of seven days abovementioned, take out licenses and execute agreements in the

*NOTE.—For Schedule, see *Mysore Gazette* Supplement, dated 26th March 1903.

prescribed form, binding themselves and so much of their movable and immovable property as may be deemed sufficient by the Deputy Commissioner for the due fulfilment by them of the terms of their agreement. On the failure of any person to take out licenses or to execute agreements as aforesaid, all deposits already made shall be forfeited, the shop or shops shall be re-sold at the risk and loss of such person, or be otherwise disposed of. In the case of the purchaser's death after confirmation of the sale, it will be binding on his heirs or assigns.

6. The amount of rental, the consumption of each shop, etc., for serveral years past are specified in the appended schedule.

7. The license to be taken out under para 5 above, shall be subject to the following conditions, namely :—

(1) The privilege conferred by the license extends only to the sale of Arrack ordinarily of 20° the strength of under-proof, and with the special permission of the Deputy Commissioner or other officer authorized by him, to the sale of arrack of 30° under-proof. But it shall not extend to the sale of double-distilled or rectified country spirits and other special liquors such as Brandy, Whisky, Gin etc., manufactured at the Government Central Distillery, Bangalore, and which the foreign-liquor shop-keepers alone are permitted to sell at the prices fixed by themselves.

(2) *(a)* The amount for which the privilege has been purchased shall be payable into the local Taluk Treasury, in equal monthly instalments, commencing from July 1903. Each instalment shall be regarded as the rent for the month in respect of which it is payable. The licensee is not required to make any additional payment on account of local cess. Each month's rent shall be payable on or before the 20th of the same month. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, declare, by record in writing, that the license is forfeited, and proceed to re-sell the separate shop as soon after the last day of the month as may be possible.

(b) The deposit made by the licensee shall be taken in payment of the instalments due in the last two months of the period of the lease. Provided, however, that where the separate shop is re-sold, the deposit shall, at the discretion of the Deputy Commissioner, be either forfeited or be appropriated towards the arrears due by the defaulter, as well as towards the deficits, if any, arising from the re-sale of the shop. The balance of such arrears and deficits, if any, shall be recoverable from the licensee under the rules in force for the recovery of arrears of land revenue. No remission or abatement of the rent or compensation shall, on any account whatever, be claimable by the licensee.

(c) Interest at 6 per cent per annum shall be recoverable on all arrears from the date of default, and on deficits from the date of re-sale.

(3) *(a)* The licensee shall purchase Molasses Arrack at $8\frac{1}{2}$ annas per gallon of 20° U. P. from Messrs. Arbuthnot & Company of Madras, who have been appointed manufacturers of Arrack and other country spirits to the State, or from a Bonded Depot established under the sanction of Government. He can also purchase jaggory Arrack from the Bonded Depot in duly corked sealed bottles at Rs. 6-2-6 (including duty with local cess, *viz.*, 4-12-0) per gallon of 20° U. P. and sell such bottles only to respectable individuals at Rs. 7-7-0 per gallon of 20° U. P. or Rs. 1-3-10 per reputed quart bottle.

(b) The licensee shall sell Molasses Arrack to the public at Rs. 6-6-0 per gallon of 20° U. P. (*i.e.*, at annas 2 per dram, which is equal to $\frac{1}{51}$st part of a gallon) and at proportionate rates for lower strength.

(4) The licensee of every shop in the towns of Bangalore and Mysore shall pay a registration fee under the Municipal Regulation at the rate of Rs. 180 per annum in advance for the period of the license for his shop ; and he shall pay also a license fee of 4 annas per gallon on all Arrack sold by him in excess of 55 gallons a month in each such shop.

(5) The above rate to be charged for Molasses Arrack by the manufacturers, and the above fee are in addition to the Excise duty which shall be prepaid as per following condition (6), at the prescribed rate of Rs. 4-12-0 (including local cess) per gallon of 20° U. P. and proportionately for lower strengths, before the removal of the Arrack from the Bonded Depot established under the sanction of Government.

(6) The licensee shall pay the above duty and price to a special shroff appointed in this behalf at the cost of Government and located at the Taluk Cutcherry to receive such duty and price daily, including Sundays and holidays, and shall obtain a receipt in the prescribed printed form. On production of such receipt, and indent for the supply of the Arrack covered by the receipt, the Bonded Depot-keeper shall issue the quantity of arrack equal to the amount of duty shown in the said receipt, which will be forwarded to the Excise Commissioner's office under the endorsement of the Bonded Depôt-keeper aforesaid, as to the date and hour when the Arrack was issued. The Depôt-keeper aforesaid shall issue a pass in the prescribed form for the transport of Arrack from the Bonded Depôt. He shall also issue sample bottles with the consignments in such manner as may be ordered by the Excise Commissioner.

(7) The licensee shall be bound to take over any Arrack which may remain as stock in hand belonging to the out-going lecensee on 1st July 1903, in the shop, paying him such compensation for the same as may be fixed by the Excise Commissioner.

(8) The licensee shall use such measures as may from time to time be prescribed by Government, and provide himself with the printed forms of accounts and permits or passes for transport of Arrack, which forms shall be purchased from local Excise officers.

(9) The shop shall not be transferable except with the permission of the Excise Commissioner.

(10) Resignation of shops in whole or part will be summarily rejected by the Deputy Commissioner.

(11) The licensee shall be bound by the provisions of the Excise Laws and Rules in force and by any additional rules which may, from time to time, be prescribed under the Excise Laws.

(12) The remaining terms and conditions shall be as set forth in the prescribed license.

8. In case of any breach of the above conditions either by the licensee or, with his connivance and privity, by any person in his employment, or in the event of the licensee neglecting to open his shop, or to carry on the business of his shop with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding Rs. 10 for every such breach or for such neglect, or, at the option of the Deputy Commissioner, to declare the money deposited with him forfeited, and to cancel the license and re-sell the shop or to otherwise dispose of it at the risk of the licensee, or to place the shop under the management of Government; and all loss thereby caused, together with all losses accruing to Government in consequence of the licensee's neglect to carry on his business by opening his shop on 1st July 1903, shall be made good by him. When a shop is cancelled, the rent for the whole period of the shop shall become due at once. All such amounts of penalties and losses shall be recovered in the same manner as if they were arrears of land revenue.

9. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding para, shall not be held to prevent the prosecution of the licensee or his agents or employees for any offence punishable under the Excise Laws or other Law for the time being in force.